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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/236,947 01/25/99 LEHMAN F 240.988218

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EXAMINER

HONG, W

ART UNIT

PAPER NUMBER

3725

DATE MAILED:

03/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/236,947

Applicant(s)

Lehman

Examiner

William Hong

Group Art Unit

3725

☒ Responsive to communication(s) filed on Jan 15, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3725

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the specification, drawings, and claims 13-16, Applicant discloses the invention is an improvement over prior art. However, the claims are not written in Jepsom form to clearly state the improvement.

Further, claim 1 is objected to because of the following informalities:

Line 4, "driven" should be changed to --drive--.

Line 6, --drive-- should be added after "output".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Maier et al (hereinafter "Maier").

Maier discloses an orbital sander (1) comprising: a housing (2); a motor (col. 3 line 43) coupled to a drive shaft (4); a pad (not shown); a coupling means (32); a counterbalance (16) having two masses (see fig 3) to dampen the vibration of the machine while the pad is engaged with the work surface greater than when the pad is not engaged with the work surface (col 1 lines 45-48 and 59-68); two axis (9, 7) of rotation; a bearing means (6, 11); a connecting means (3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kilstrom et al, Kimmelaar, Hutchins, Gill Jr., Bischof et al,

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Hong whose telephone number is (703) 308-9619.

WH 

March 16, 2000



Joseph J. Hail, III
Supervisory Patent Examiner
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